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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,158	08/07/2003	Roderick MacRae	18047	3609

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EXAMINER

FAULK, DEVONA E

ART UNIT PAPER NUMBER

2615

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/636,158	Applicant(s) MACRAE, RODERICK	
	Examiner Devona E. Faulk	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/3/2006 have been fully considered but they are not persuasive regarding claim 1.
2. Regarding claim 1, the applicant asserts that the applicant's admitted prior art ,Figure 1(b), teaches a single non-tortuous inlet and teaches away from a microphone having an inlet with a plurality of openings. The examiner disagrees. Tortuous is defined as bending. The examiner submits that Figure 1(b) has a bending path and not a straight path. Additionally, the applicant's admitted prior art, paragraph 0015 teaches that one or more portions of the outer casing may form an opening or inlet, thus implying a plurality of openings.
3. The applicant further asserts that one of ordinary skill in the art would not be motivated to modify Figure 1(b) with the inlet ports disclosed in Jaeger and that the examiner has failed to identify a motivation. The examiner agrees partly. The inlet ports allow sound to travel uninhibited. The examiner has determined that the motivation for the independent claims were incorrect and so the examiner is rewriting the rejections with the correct motivation. Jaeger is just cited for the plurality of openings and for a casing comprising an upper portion, lower portion and middle portion.
4. Applicant's arguments with respect to the rejection(s) of claim(s) 6 under 103 (a), regarding convergence, have been fully considered and are persuasive. Therefore, the

rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Akino.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1,4,5** are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (AAPA) (Figures 1(a) and 1(b), pages 1-2, paragraphs 002-0007; page 3, paragraph 0015) in view of Jaeger et al. (US 6,093,144).

Regarding **claim 1**, the applicant's admitted prior art discloses a microphone enclosure comprising;

a casing (AAPA; Figure 1(a) and 1(b)) for containing a microphone (112, Figure 1(b)) for receiving sound and converting said sound into at least one electrical signal;
and

at least one inlet (AAPA; 118, inlet ; page 3, paragraph 0015) for allowing sound to reach said microphone;

said at least one inlet having a one opening forming at least one tortuous path therein (AAPA; Figure 1(b) has a tortuous path; page 3, paragraph 0015 ; specifically AAPA teaches that the microphone inlet of Figure 1(b) has a change of direction and

this prevents the object from entering the hole far enough to pierce the microphone gasket or microphone),

wherein said microphone is disposed between said at least one inlet and a wall of the casing such that sound can only impinge upon the microphone by traveling through said at least one inlet (AAPA; Figure 1(b)).

AAPA, paragraph 0015, teaches that one or more portions of the outer casing may form an opening or inlet.

AAPA fails to explicitly disclose of an inlet having a plurality of openings. Jaeger teaches of an inlet having a plurality of openings (inlet ports 242, Figure 2C). It would have been obvious to modify the applicant's admitted prior art so that the inlet has a plurality of openings as taught by Jaeger in order to allow sound to travel uninhibitedly (Jaeger, column 6, lines 30-31).

Regarding **claim 4**, AAPA as modified by Jaeger discloses wherein said microphone enclosure further contains a circuit board; integrated components on said circuit board for receiving signals from said microphone; and an antenna in communication with said integrated components for transmitting said electrical signal (AAPA; Figure 1(b)).

Regarding **claim 5**, AAPA as modified by Jaeger discloses a microphone gasket approximate a microphone (AAPA; Figure 1(b); page 2, paragraph 0005).

7. **Claims 2,3,6-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (AAPA) (Figures 1(a) and 1(b), pages 1-2, paragraphs

002-0007; page 3, paragraph 0015) in view of Jaeger et al. (US 6,093,144) in further view of Akino (US 6,148,089).

Regarding **claim 2**, AAPA in view of Jaeger discloses wherein said at least one inlet comprises an upper and a lower opening (Jaeger, Figure 2C). AAPA discloses an opening that impinges upon microphone (Figure 1(b)). AAPA in view of Jaeger fails to disclose that a first and second openings converge at said microphone. Akino teaches of openings that converge at said microphone (Figure 2B and 3B; openings 4 converge at the bottom of microphone (2). It would have been obvious to modify AAPA as modified by Jaeger so that the upper and lower openings converge at the microphone as taught by Akino to allow sound to travel uninhibitedly.

Regarding **claim 3**, AAPA in view of Jaeger discloses wherein said casing comprises an upper, portion, a middle portion, and a lower portion which form said upper and lower openings (Jaeger, Figure 2C) (All elements of claim 3 are comprehended by the rejection of claim 2).

Regarding **claim 6**, AAPA discloses a microphone enclosure comprising:
a casing (AAPA; Figures 1(a) and 1(b)) or containing a microphone (112; Figure 1(b)); for receiving sound and converting said sound into at least one electrical signal;
an first opening proximate said microphone (applicant's admitted prior art; Figure 1(b))

wherein said microphone is disposed between said at least one inlet and a wall of the casing such that sound can only impinge upon the microphone by traveling through said at least one inlet (AAPA; Figures 1(a) and 1(b) discloses a microphone 112 between an opening or inlet (108) and a casing (Figure 1)).

AAPA, paragraph 0015, teaches that one or more portions of the outer casing may form an opening or inlet. AAPA fails to explicitly disclose of an inlet having a plurality of openings.

AAPA art fails to disclose but Jaeger teaches of a second opening proximate said microphone and at least one inlet for allowing sound to impinge upon said microphone (Jaeger, Figure 2C). Jaeger teaches of an inlet having a plurality of openings (inlet ports 242, Figure 2C).

AAPA as modified by Jaegar fails to disclose that the inlet is formed by formed by a convergence of said first opening and said second opening .

AAPA in view of Jaegar discloses wherein said at least one inlet comprises an upper and a lower opening (Jaegar, Figure 2C). AAPA discloses an opening that impinges upon microphone (Figure 1(b)). AAPA in view of Jaegar fails to disclose that a first and second openings converge at said microphone. Akino teaches of openings that converge at said microphone (Figure 2B and 3B; openings 4 converge at the bottom of microphone (2). It would have been obvious to modify AAPA as modified by Jaegar so that the upper and lower openings converge at the microphone as taught by Akino to allow sound to travel uninhibitedly.

Regarding **claim 7**, AAPA in view of Jaeger and Akino discloses wherein said casing comprises an upper, portion, a middle portion, and a lower portion which form said upper and lower openings (Jaeger , Figure 2C).

Regarding **claim 8**, AAPA as modified by Jaeger and Akino discloses wherein said microphone enclosure further contains a circuit board; integrated components on said circuit board for receiving signals from said microphone; and an antenna in communication with said integrated components for transmitting said electrical signal (applicant's admitted prior art; Figure 1(b)).

Regarding **claim 9**, AAPA as modified by Jaeger and Akino discloses a microphone gasket approximate a microphone (applicant's admitted prior art; Figure 1(b); page 2, paragraph 0005).

Regarding **claim 10**, AAPA discloses a portable radio (Figures 1(a) and 1(b); page 3, paragraph 0015) comprising:

- a circuit board (AAPA; Figure 1(b); implicit to a radio);

- integrated components on said circuit board for transmitting and receiving signals to and from said portable radio (AAPA; Figure 1(b); implicit to a radio);

- an antenna (AAPA; 1(a) and 1(b)) in communication with said integrated components for transmitting and receiving said signals (Figure 1)(antenna is obvious present, a radio has to have an antenna);

- a microphone (AAPA; 112, Figure 1(b)) in communication with said integrated components on said circuit board for converting between sound and electrical signals;

a casing for containing a microphone, said integrated components, and said circuit board (AAPA; Figures 1(a) and 1(b); page 3, paragraph 0015);

a first opening in said casing proximate said microphone (Figure 1(b);AAPA);

wherein said microphone is disposed between said at least one inlet and a wall of the casing such that sound can only impinge upon the microphone by traveling through said at least one inlet (Figures 1(a) and 1(b) discloses a microphone 112 between an opening or inlet (108) and a casing (Figure 1(a);AAPA).

AAPA, paragraph 0015, teaches that one or more portions of the outer casing may form an opening or inlet. AAPA fails to explicitly disclose of an inlet having a plurality of openings.

AAPA art fails to disclose but Jaeger teaches of a second opening proximate said microphone and at least one inlet for allowing sound to impinge upon said microphone (Jaeger, Figure 2C). Jaeger teaches of an inlet having a plurality of openings (inlet ports 242, Figure 2C).

AAPA as modified by Jaegar fails to disclose that the inlet is formed by formed by a convergence of said first opening and said second opening .

AAPA in view of Jaegar discloses wherein said at least one inlet comprises an upper and a lower opening (Jaegar, Figure 2C).. AAPA discloses an opening that impinges upon microphone (Figure 1(b)). AAPA in view of Jaegar fails to disclose that a first and second openings converge at said microphone. Akino teaches of openings that converge at said microphone (Figure 2B and 3B; openings 4 converge at the bottom of microphone (2). It would have been obvious to modify AAPA as modified by

Jaeger so that the upper and lower openings converge at the microphone as taught by Akino to allow sound to travel uninhibitedly.

Regarding **claim 11**, AAPA as modified by Jaeger and Akino discloses wherein said casing comprises an upper, portion, a middle portion, and a lower portion which form said upper and lower openings (Jaeger , Figure 2C).

Regarding **claim 12**, AAPA as modified by Jaeger and Akino discloses a microphone gasket approximate a microphone (applicant's admitted prior art; Figure 1(b); page 2, paragraph 0005).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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